

**SENATE JOURNAL
64TH LEGISLATURE
TWENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
February 5, 2015

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Barrett presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Windy Boy excused. Quorum present.

BILLS AND JOURNALS (Fielder, Chair): 2/5/2015

Correctly printed: **SB 74, SB 143, SB 144, SB 262, SB 263, SB 264, SB 265, SB 266, SB 267, SB 268, HB 57, HB 65, HB 66, HB 75, HB 79, HB 81, HB 109, HB 110, HB 121.**

Correctly engrossed: **SB 54.**

Correctly enrolled: **SB 18, SB 33.**

Transmitted to the House: **SB 89, SB 128, SB 140, SB 150, HB 32, HB 82, HB 108.**

Examined by the sponsor and found to be correct: **SB 18, SB 33.**

Signed by the Secretary of the Senate at 2:50 p.m., February 5, 2015: **SB 18, SB 33.**

Signed by the President at 3:11 p.m., February 5, 2015: **SB 18, SB 33.**

Signed by the Speaker at 3:35 p.m., February 5, 2015: **SB 18, SB 33.**

REPORTS OF STANDING COMMITTEES

JUDICIARY (Sales, Chair):

2/5/2015

SB 126, do pass. Report adopted.

HB 134, be amended as follows:

1. Title, page 1, line 6.

Strike: "TRANSFERRED TO"

Insert: "PLACED IN"

2. Page 1, line 19 through line 20.

Following: "age."

Strike: remainder of line 19 through line 20

3. Page 2, line 6.

Following: "46-18-203"

Insert: ", but may not place a youth in a state adult correctional facility unless the youth was adjudicated for a felony offense"

4. Page 2, line 9.

Following: "facility"

Insert: "if the youth was adjudicated for a felony offense"

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And, as amended, be concurred in. Report adopted.

HB 139, be concurred in. Report adopted.

HB 143, be concurred in. Report adopted.

LOCAL GOVERNMENT (Taylor, Chair):

2/4/2015

SB 237, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair):

2/4/2015

SB 211, do pass. Report adopted.

SB 233, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "AND"

2. Title, page 1, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, line 19.

Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair):

2/4/2015

SB 168, introduced bill, be amended as follows:

1. Page 1, line 11.

Strike: "5"

Insert: "6"

2. Page 1, line 14.

Strike: "5"

Insert: "6"

3. Page 1, line 19.

Strike: "5"

Insert: "6"

4. Page 2, line 11.

Following: "duty"

Insert: "unless the educational institution considers the missed course work to be critical to public safety or health"

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5. Page 3, line 2.

Insert: "NEW SECTION. Section 6. Policy to ensure student protections. The commissioner of higher education may develop a policy for action by the board of regents that is consistent with the goals and steps in [sections 1 through 5] to ensure academic protections for students called to active duty."

Renumber: subsequent sections

6. Page 3, line 3.

Strike: "5"

Insert: "6"

7. Page 3, line 5.

Strike: "5"

Insert: "6"

And, as amended, do pass. Report adopted.

HB 64, be concurred in. Report adopted.

HB 84, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair):

2/5/2015

HB 56, be concurred in. Report adopted.

HB 67, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/4/2015

HB 68, introduced by K. Kelker

HB 69, introduced by G. Custer

HB 198, introduced by K. Regier

HB 206, introduced by M. Lang

HB 209, introduced by C. Schreiner

HB 212, introduced by K. Wagoner

HB 221, introduced by M. MacDonald

HB 232, introduced by K. Dudik

House joint resolution passed and transmitted to the Senate for concurrence:

2/4/2015

HJ 5, introduced by C. Fiscus

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FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 269, introduced by D. Ankney, B. Tutvedt, referred to Taxation.

SB 270, introduced by J. Taylor, E. Arntzen, D. Brown, E. Buttrey, G. Hertz, M. Noland, A. Olszewski, S. Sales, F. Thomas, G. Vance, referred to Business, Labor, and Economic Affairs.

SB 271, introduced by D. Sands, S. Lavin, referred to Business, Labor, and Economic Affairs.

SB 272, introduced by J. Windy Boy, B. Hamlett, R. Mehlhoff, S. Stewart-Peregoy, F. Thomas, L. Whitford, referred to Education and Cultural Resources.

SB 273, introduced by J. Fielder, P. Connell, B. Hamlett, J. Keane, referred to Natural Resources.

SB 274, introduced by J. Fielder, referred to Judiciary.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 12, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

SR 13, introduced by R. Webb, referred to Energy and Telecommunications.

SR 14, introduced by F. Thomas, referred to Public Health, Welfare and Safety.

SR 15, introduced by S. Sales, referred to Judiciary.

SR 16, introduced by F. Thomas, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 68, introduced by K. Kelker (by request of the Department of Military Affairs), referred to State Administration.

HB 69, introduced by G. Custer, referred to State Administration.

HB 198, introduced by K. Regier, referred to State Administration.

HB 206, introduced by M. Lang, J. Brenden, C. Clark, A. Doane, K. Flynn, B. Harris, G. Meyers, D. Mortensen, G. Pierson, L. Randall, A. Redfield, D. Salomon, R. Shaw, C. Smith, S. Staffanson, J. Welborn, referred to Agriculture, Livestock and Irrigation.

HB 209, introduced by C. Schreiner, referred to State Administration.

HB 212, introduced by K. Wagoner, referred to Fish and Game.

HB 221, introduced by M. MacDonald, R. Brodehl, W. Curdy, F. Garner, D. Jones, S. Lavin, E. Lieser, D. Mortensen, T. Steenberg, K. Swanson, referred to Fish and Game.

HB 232, introduced by K. Dudik, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 5, introduced by C. Fiscus, S. Hess, D. Jones, D. Mortensen, V. Ricci, B. Tschida, K. Wagoner, K. White, D. Zolnikov, R. Webb, referred to Natural Resources.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Rosendale moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Thomas in the chair.

Ms. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 110 - Senator Buttrey moved **SB 110** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 48

Nays: D. Brown.
Total 1

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 96 - Senator Keane moved **SB 96** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

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SB 97 - Senator Vincent moved **SB 97** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

SB 188 - Senator Vincent moved **SB 188** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Larsen, McNally, Moore, Ripley, Rosendale, Sales, Sesso, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.

Total 38

Nays: Barrett Dick, Facey, Kaufmann, Keane, Malek, Moe, Phillips, Pomnichowski, Sands, Stewart-Peregoy, Whitford.

Total 11

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

SB 200 - Senator Ankney moved **SB 200** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.

Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich,

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Whitford, Wolken.

Total 20

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 125 - Senator Keane moved **HB 125** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

Majority Leader Rosendale moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Barrett presiding. Chair Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.

Total 45

Nays: Facey, Hamlett, Kaufmann, Malek.

Total 4

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 74 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 143 passed as follows:

Yeas: Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.
Total 26

Nays: Ankney, Barrett Dick, Buttrey, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Wolken.
Total 23

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 144 passed as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

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Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 65 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 109 concurred in as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Whitford, Wolken.
Total 31

Nays: Arntzen, Blasdel, Brenden, D. Brown, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Vance, Vincent, Webb, Ms. President.
Total 18

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Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 121 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.

Total 48

Nays: Sesso.

Total 1

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

MOTIONS

Majority Leader Rosendale moved **SB 186** be moved from the Judiciary committee to the Public Health, Welfare and Safety committee. Without objection, so ordered.

Senator L. Jones moved **SB 200** be re-referred moved to the Finance and Claims committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Friday, February 6, 2015, the twenty-seventh legislative day. Motion carried.

Senate adjourned at 2:05 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate